

19

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

David Fred minier 184694

Case: 2:21-cv-12057
Judge: Parker, Linda V.
MJ: Patti, Anthony P.
Filed: 08-26-2021 At 10:13 AM
PRIS DAVID MINIER V STEPHENS ET AL (SS)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

v. M-STEPHENS minial Room
Mrs Cope ARUS
B-Morrison WARDEN
T-CHRISMAN AOW
R-AULT ASS DW
S-Cline RLM
J-ROHRIG Grievance Coord
Richard R Russell OFFICE OF LEGAL AFFAIRS

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: ☒ Yes ☐ No
(check one)

**Complaint for Violation of Civil Rights
(Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name DAVID Fred Minier
All other names by which you have been known:

ID Number #184698
Current Institution Lakeland Correctional FAC
Address 2141 COLD WATER
MI 49036

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name COPE = ARUS
Job or Title ASS Resident Unit Supervisor
(if known)
Shield Number _____
Employer Mich Dept Corrections
Address 141 First ST
COLD WATER MI 49036

☐ Individual capacity ☒ Official capacity

~~See AT~~

* ATTACHMENT

Title

m-STEPHENS - GOA ^{MAIL} Room

— PC COPE - ARUS

— B-MORRISON - WARDEN

— T-CHRISMAN - A-D-W

— R-AULT - ASS-D-W

— S-CLINE - RUM

— J-ROHRIG - Grievance coord

I need the First names of these people
for Court Filing please.

also I need a 6 month print out
of my Account please.

You can file your
Court documents
with the last name
and titles.

Doris Minor
184648

c-1-81

Defendant No. 2

Name

B-morrison

Job or Title
(if known)

WARDEN

Shield Number

Employer

mich Dept Corrections

Address

141 First ST

COLD WATER MI 49036

☐ Individual capacity☒ Official capacity

Defendant No. 3

Name

T-CHRISMAN

Job or Title
(if known)

AOW

Shield Number

Employer

mich Dept Corrections

Address

141 First ST

COLD WATER MI 49036

☐ Individual capacity☒ Official capacity

Defendant No. 4

Name

R-AULT

Job or Title
(if known)

ASSISTANT Deputy WARDEN

Shield Number

Employer

mich Dept Correction

Address

141 First ST

COLD WATER MI 49036

☐ Individual capacity☒ Official capacityContinued on
next page

Defendant No. 15

Name

S-Cline

Job or Title
(if known)

Resident Unit Manager

Shield Number

Employer

mich Dept Corrections

Address

141 First St

COLD WATER MI 49036

☐ Individual capacity☒ Official capacity

Defendant No. 16

Name

J-Rohrig

Job or Title
(if known)

Grievance Coordinator

Shield Number

Employer

mich Dept of Corrections

Address

141 First St

COLD WATER MI 49036

☐ Individual capacity☒ Official capacity

Defendant No. 17

Name

Richard D Russell

Job or Title
(if known)Manager Grievance Sec
Office of Legal Affairs

Shield Number

Employer

mich Dept Corrections

Address

PO Box 3003

LANSING MI 48909

☐ Individual capacity☒ Official capacity

continued next pg

Defendant No. **8**

Name

m STEPHENS

Job or Title
(if known)

COA mail room

Shield Number

Employer

mich Dept Corrections

Address

141 First St

COLDWATER MI 49036

☐ Individual capacity☒ Official capacityDefendant No. **9**

Name

Job or Title
(if known)

Shield Number

Employer

Address

☐ Individual capacity☐ Official capacityDefendant No. **10**

Name

Job or Title
(if known)

Shield Number

Employer

Address

☐ Individual capacity☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Right To Due Proces / unfair treatment
 Failure to Follow policy.
 ABUS of Power

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Failed to follow policy procedures in
 Accordance with Mich Dept policy's
 mich Dept corr policy and procedures (mDOC)
 mail Rejection policy

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

COLDWATER CORRECTIONAL FACILITY 3/16/21
MAIL ROOM notice of MAIL REJECTION,
3/9/21
3/12/21
5/5/21

- C. What date and approximate time did the events giving rise to your claim(s) occur?

3/16/21
3/12/21
3/9/21
5/5/21

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

The Staff at Michigan Department
of Corrections - Coldwater Facility
Sakeland Correctional - 141 First St
Coldwater Mich 49036, Failed to
Follow and adhere to policy and
Procedure. Mail Rejection policy was
not Followed at any Step / except mail room.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

No

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

(Justice)

the Michigan Department of Corrections
must be made to follow their
Policies and procedures.

~~Reimbursement~~

Reimbursement of Filing Fee's

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

miss use of mich Dept of Corrections
Policy and procedures.
(MAIL Rejection) Abuse of Power.
UNDO Right to Due process

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes
☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes
☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Lakeland Correctional Facility
Coldwater mi

2. What did you claim in your grievance?

Mail Rejection policy was not Adhered
Too. Violation Due process

3. What was the result, if any?

Step I II III were Rubber stamped
with Responses that violated policy
Procedure.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

Grievance steps completed on All But
Two • Two Completed - Two still pending

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case _____
5. Approximate date of filing lawsuit _____
6. Is the case still pending?
- ☐ Yes
- ☐ No
- If no, give the approximate date of disposition. _____
7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?) _____

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8-23-, 2021.

Signature of Plaintiff

David Miner

Printed Name of Plaintiff

DAVID Fred miner

Prison Identification #

184698

Prison Address

141 First St

Coldwater

MI

49036

City

State

Zip Code

Additional Information:

Witness

Johnson Kurt Jonathan 477848

DAVID Miner
184698
141 First St
COLD WATER MI
49036

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS
CERTIFIED MAIL



7020 1610 0000 5833 7164



8-26-21

RECEIVED

SEP 02 2021

CLERK'S OFFICE
DETROIT

United States District Court
Eastern Dist of Michigan
Office of the Clerk
Theodore Levin Blvd, Room 564
Detroit Mich 48226

Pris